

DIGEST SUPPLEMENT

To Legislative Digest and History of Bills **Edition No. 1 Supplement No. 18***

FIFTY-EIGHTH LEGISLATURE

Thursday, February 5, 2004

25th Day - 2004 Regular

	SENATE	Н	OUSE
SB 5232 SB 5553-S SB 5793-S2 SB 6196-S SB 6245-S SB 6245-S SB 6282-S SB 6285-S SB 6332-S SB 6342-S SB 6367-S SB 6402-S SB 6413-S SB 6557-S	SB 6656-S SB 6715 SB 6716 SB 6717 SB 6718 SB 6719 SB 6720 SB 6721 SJM 8037-S SJM 8053	HB 2361-S HB 2430-S HB 2510-S HB 2550-S HB 2596-S HB 3175 HB 3176 HB 3177 HB 3178 HB 3179 HB 3180 HB 3181 HB 3181	HB 3183 HB 3184

LIST OF BILLS IN EDITION NO. 1 SUPPLEMENTS

SENATE		HOUSE	
SB 5052 Supp. 12 SB 6113	Supp. 1	HI 297 Supp. 4 HB 2313	Supp. 1
SB 5082-S Supp. 16 SB 6113-S			Supp. 1
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SB 5216-S2 Supp. 16 SB 6114-S			Supp. 1
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SB 5378-S2 Supp. 16 SB 6115-S			Supp. 1
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SB 5408-S Supp. 6 SB 6117			Supp. 1
SB 5412-S2 Supp. 10 SB 6118			Supp. 1
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SB 5665-S Supp. 14 SB 6123	Supp. 1	HB 2298 Supp. 1 HB 2325	Supp. 1
SB 5861-S Supp. 12 SB 6124	Supp. 1	HB 2298-S Supp. 13 HB 2326	Supp. 1
SB 5936-S Supp. 14 SB 6125	Supp. 1		Supp. 1
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SB 6103 Supp. 1 SB 6126	Supp. 1		Supp. 14
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SB 6106 Supp. 1 SB 6129-S	Supp. 10		Supp. 1
SB 6107 Supp. 1 SB 6130			Supp. 1
SB 6107-S Supp. 16 SB 6131			Supp. 1
SB 6108 Supp. 1 SB 6131-S			Supp. 1
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SB 6109 Supp. 1 SB 6132-S			Supp. 1
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House Bills

HB 2361-S by House Committee on Children & Family Services (originally sponsored by Representatives Kagi, O'Brien, Kenney, Wood, Dickerson, Schual-Berke, Boldt, Morrell and Darneille)

Requiring development and implementation of policies concerning visitation for children in foster care. Revised for 1st Substitute: Requiring development of policies concerning visitation for children in foster care.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that contact between children in foster care and their biological families is an important component of the well-being and successful development of children. Visitation can help to alleviate the fears and anxieties that many children in foster care experience, and thereby can improve relations and interactions between the children and both their foster and biological families.

Requires that, in all cases, the best interest of the child shall be the primary concern in planning visitation with families. When planning visitation with families, appropriate levels of visitation should be determined for each family, taking into consideration their individual circumstances, including parental follow-through and the parent-child bond, among other factors, and consistent with the health, safety, and welfare of the child. Under no circumstances should visitation be used as a sanction for a parent's failure to engage in other court-ordered services.

Directs the department of social and health services to develop consistent policies and protocols, based on current relevant research, concerning visitation for children in foster care to be implemented consistently throughout the state. The department shall develop the policies and protocols in consultation with researchers in the field, community-based agencies, court-appointed special advocates, and court representatives.

Requires the department of social and health services to report on the policies and protocols required under this act to the appropriate committees of the legislature by January 1, 2005.

-- 2004 REGULAR SESSION --

Jan 29 CFS - Majority; 1st substitute bill be substituted, do pass.

Feb 3 Passed to Rules Committee for second reading.

HB 2430-S by House Committee on Trade & Economic Development (originally sponsored by Representatives O'Brien, Mielke, Kagi, Benson, Lantz, Sump, Chase, Pearson, Cody, Kirby, McCoy, Dickerson, Cairnes, Clibborn, Kenney, Holmquist and Rockefeller)

Purchasing manufactured homes. Revised for 1st Substitute: Studying assistance programs for the purchase of manufactured homes by low-income residents.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Directs the department of community, trade, and economic development to conduct a study within existing funds and make recommendations regarding possible programmatic assistance for Washington's low-income residents trying to purchase manufactured homes and manufactured home sites.

Requires the study to include, but is not limited to: (1) The current market barriers for manufactured home loans to persons with income levels below fifty percent of the median family income level;

- (2) The number of loans per year that could be guaranteed and the average amount of such a loan;
- (3) The number of persons that would be eligible for the loan program; and
- (4) The funding requirements to establish and maintain a loan assistance program.

Requires the study recommendations to include, but are not limited to: (1) Sources of funding;

- (2) Amount of reserve funds required; and
- (3) Program eligibility requirements.

Requires the study to be delivered to the appropriate committees of the legislature by December 1, 2004.

-- 2004 REGULAR SESSION --

Jan 30 TED - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Feb 4 Referred to Appropriations.

HB 2510-S by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, McCoy, Condotta, McMorris and Chase; by request of Employment Security Department)

Modifying provisions concerning unemployment compensation.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Revises provisions concerning unemployment compensation.

-- 2004 REGULAR SESSION --

Feb 2 CL - Majority; 1st substitute bill be substituted, do pass.

Feb 4 Passed to Rules Committee for second reading.

HB 2550-S by House Committee on Children & Family Services (originally sponsored by Representative Boldt)

Providing a liaison for community-based and faith-based social service organizations that receive no public funds. Revised for 1st Substitute: Providing liaisons for community-based and faith-based social service organizations.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requires the secretary to designate a person within each of the department's administrative regions to serve as a liaison for community-based and faith-based social services organizations that do not receive funding directly from the state. The liaison shall be available to such organizations for the purpose of: (1) Providing information as it relates to opportunities for such organizations to cooperate with the department in providing community services throughout the state;

(2) Identifying areas of need that are not currently being met in the state that community-based and faith-based social services organizations that do not receive funding directly from the state may provide;

(3) Coordinating efforts to promote involvement of community-based and faith-based social service organizations in providing community services.

Requires the secretary to include provisions in its contracts indicating that community-based and faith-based social services organizations that receive funds from the department must not: (1) Engage in discrimination that denies service to a potential client on the basis of age, gender, race, sexual orientation, national origin, creed, religion, or presence of a disability; or

(2) Engage in activities that promote conversion to a particular faith, institution, or cause, unless participation in those activities is voluntary.

-- 2004 REGULAR SESSION --

Jan 29 CFS - Majority; 1st substitute bill be substituted, do pass.

Feb 3 Passed to Rules Committee for second reading.

HB 2596-S by House Committee on Children & Family Services (originally sponsored by Representatives Dickerson, Kagi, Kirby, Quall, Schual-Berke, G. Simpson, Tom, Kenney, McDermott, Boldt, Wood, Linville, Chase, Lantz, O'Brien, Haigh, Conway, Morrell, Miloscia, Kessler, Santos and Clibborn)

Providing for early intervention services for children with disabilities.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, by September 1, 2008, each school district shall provide or contract for early intervention services to all eligible children with disabilities from birth to three years of age. Eligibility shall be determined according to Part C of the federal individuals with disabilities education act and as specified in WAC 392-172-114.

Establishes a birth-to-three task force to make recommendations concerning policies, procedures, and regulations in order to ensure implementation of an equitable statewide comprehensive system for all eligible children with disabilities from birth to three years of age.

Requires the birth-to-three task force to submit a report to the governor and the superintendent of public instruction by December 1, 2006, outlining their recommendations.

-- 2004 REGULAR SESSION --

Jan 29 CFS - Majority; 1st substitute bill be substituted, do pass.

Feb 3 Referred to Appropriations.

HB 2691-S by House Committee on Trade & Economic Development (originally sponsored by Representatives Eickmeyer, Armstrong, Haigh, Bush, Sehlin, Benson, Ruderman, Skinner, McDermott, G. Simpson, Chase, Morrell, Campbell, Kessler, Woods, Linville, Edwards and Roach)

Providing a business and occupation tax exemption for qualifying small businesses.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Authorizes a business and occupation tax exemption for qualifying small businesses.

-- 2004 REGULAR SESSION --

Jan 30 TED - Majority; 1st substitute bill be substituted, do pass.

Feb 4 Referred to Finance.

HB 3175 by Representatives Grant, Chandler, Mastin, Hatfield, Buck, Linville and

Kessler

Providing financial assistance to counties.

Creates the county financial assistance advisory council within the department of community, trade, and economic development.

Directs the advisory council to determine which counties have a tax base insufficient to provide basic county services to their citizens and shall determine the county allocation of funds deposited in the county assistance account created in this act. Counties that had a decrease of less than six percent in their current expense budget due to the repeal of the state motor vehicle excise tax are not eligible for the disbursement of funds under this act. The advisory council shall make disbursement recommendations to the department on an annual basis.

Provides that, of the money collected and remitted under RCW 82.08.150 (1), (2), (3), and (4), the state treasurer shall deposit each month four hundred seventy thousand dollars to the county assistance account. Beginning on July 1, 2005, and every July 1st thereafter, the state treasurer shall increase the transfer to the county assistance account by the fiscal growth factor, as defined in RCW 43.135.025, forecast by the office of financial management in November of the preceding year.

Takes effect July 1, 2004, only if House Bill No. 2062 of the 2004 session, regarding the liquor control board fully implementing a retail business plan and Sunday sales of liquor in the state, is enacted into law by this date. If House Bill No. 2062 is not enacted into law by July 1, 2004, this act is null and void.

-- 2004 REGULAR SESSION --

First reading, referred to Appropriations. Feb 4

HB 3176 by Representative Ericksen

Authorizing local real estate excise taxes to be used for emergency medical purposes.

Authorizes local real estate excise taxes to be used for

emergency medical purposes.

Provides that the legislative authority of any county or city that originally imposes the tax authorized under this act or that modifies the tax or use of the tax authorized under this act after the effective date of this act shall indicate in the resolution or ordinance adopting or modifying the tax, the percentage of the tax dedicated to capital projects and the percentage of the tax dedicated to the provision of emergency medical care or emergency medical service.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to Local Government.

HB 3177 by Representatives Hatfield, Armstrong, Hankins, Campbell, Kessler, Grant and Kirby; by request of Secretary of State

Enacting the Qualifying Primary Act.

Declares that the purpose of any primary held in this state is to qualify candidates to appear on the general election ballot. Primary elections do not function as a procedure to determine the nominees of political parties. The sole purpose of allowing candidates to identify a political party preference is to provide to voters a brief description of each candidate's political philosophy, which the voters may consider when casting their votes at a primary or general election.

Provides that, in a primary election, each voter, regardless of party affiliation, may vote for any candidate listed on the ballot, and the two candidates who receive the most votes, also known as the top two vote getters, and who receive at least one percent of the total votes cast for that office, advance to the general election. Primary election voters are not choosing a party's nominee.

Declares that a qualifying primary ensures more choice, greater participation, increased privacy, and a sense of fairness for the voters.

Requires the provisions of this act relating to primaries to be liberally construed to further the following interests: (1) The legislature finds that the process of determining which candidates will appear on the general election ballot or be elected to office is a public process, in which all voters must be permitted to participate. The legislature further finds that it is not in the public interest to expend public funds on an election procedure that limits the rights of voters by restricting their ability to participate based on the party affiliation, if any, of the voters or the candidates, or that requires voters to publicly declare an affiliation with a political party;

- (2) All qualified registered voters of the state of Washington should be permitted to participate in all meaningful stages of the process for qualifying candidates to appear on the general election ballot by voting for the candidates of their choice in the districts and jurisdictions where they are eligible to vote; and
- (3) No registered voter of the state of Washington should be required to divulge to any public or private entity his or her party affiliation, if any, as a prerequisite to voting. Repeals various provisions.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to State Government.

HB 3178 by Representatives Grant and Mastin

Dissolving or deactivating joint housing authorities.

Provides that the ordinances enacted by the legislative authorities creating the joint housing authority shall prescribe the procedure for dissolution or deactivation of a joint housing authority and any other matters necessary to effectuate the dissolution or deactivation of a joint housing authority, including distribution of the assets, liabilities, and obligations of a joint housing authority to the original activating governing bodies for the limited purposes of winding up the affairs of a deactivated joint housing authority or transferring assets, obligations, or liabilities to the housing authority of a city, town, or county.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to Local Government.

HB 3179 by Representatives Linville, Talcott, Quall, Benson and Anderson

Linking funding for special education to service delivery standards.

Provides that, to determine the budget request, the superintendent of public instruction, in consultation with school districts, shall: (1) Design a verifiable funding formula that meets service delivery standards that address the special education obligations of school districts; and

the special education obligations of school districts; and
(2) Adopt service delivery standards. The formula shall align the amount of funding requested of the state with the policy expectations, goals, and legal obligations established under the individuals with disabilities education act and chapter 28A.155 RCW. The formula shall be based on degree of student need of the students in each school district who qualify for state funding for special education services.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to Appropriations.

HB 3180 by Representatives Grant, Chandler, Kessler, Schoesler, Hatfield, Linville, Holmquist, Newhouse, Morris, Armstrong, Blake, Priest, Eickmeyer, Cairnes and Roach

Modifying the excise taxation of fruit and vegetable processing and storage.

Declares that chapter 82.04 RCW shall not apply to amounts received from the canning, preserving, freezing, processing, or dehydrating fresh fruits and vegetables which are subsequently sold at wholesale outside the state or which are sold at wholesale by the person canning, preserving, freezing, processing, or dehydrating fresh fruits and vegetables to purchasers outside the state or to purchasers who transport in the ordinary course of business the goods out of this state, or selling at wholesale fresh fruits and vegetables canned, preserved, frozen, processed, or dehydrated by the seller and sold to purchasers who transport in the ordinary course of business the goods out of this state.

Provides that application for deferral of taxes under this act must be made before initiation of the construction of the investment project or acquisition of equipment or machinery.

Directs the department to issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project if the investment project is undertaken for the purpose of fresh fruit and vegetable processing, cold storage warehousing, or research and development.

Expires July 1, 2010.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to Finance.

HB 3181 by Representative Clements

Providing legal services for construction professionals involved in legal disputes concerning project permits.

Recognizes that the building industry is a key driver of the state economy.

Recognizes that the governor recently entered into a contract with the Boeing company to ensure that the Boeing company will build the new 7E7 plant in Washington.

Among other provisions, the governor granted the Boeing company state protection against environmental lawsuits.

Recognizes that developers and builders are consistently sued by no-growth activists to prevent legitimate development.

Finds that these suits stymie the state economy and fetter thoughtful land use planning. Because the building industry is the most important job creator and economic driver in the state, the legislature extends the legal protections granted to the Boeing company to the entire building industry.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to State Government.

HB 3182 by Representatives Chandler, Talcott and Schoesler

Concerning national pollutant discharge elimination system permits for application of aquatic pesticides.

Declares that effective aquatic pest control is crucial to maintaining and enhancing agricultural, aquacultural, fishing, and recreational opportunities as well as the quality of life in Washington.

Recognizes that aquatic pesticides are an integral part of strategies to eliminate and control the growth of aquatic pests, and that aquatic pesticides include a variety of chemicals, such as herbicides, insecticides, piscicides, and algaecides, that are applied in our state's lakes, rivers, and estuaries.

Declares that the ninth circuit court of appeals concluded in *Headwaters, Inc. v. Talent Irrigation District*, 243 F.3d 526 (9th cir. 2001), that an application of aquatic herbicides into an irrigation canal was the discharge of a pollutant to navigable waters from a point source.

Recognizes that the ninth circuit court of appeals in the *Talent* decision concluded that such an application required a national pollutant discharge elimination system (NPDES) permit.

Recognizes that the court in the *Talent* decision also determined that compliance with the registration and labeling requirements of the federal insecticide, fungicide, and rodenticide act (FIFRA) did not obviate the need for the NPDES permit.

Declares the state should require NPDES permits for application of aquatic pesticides only when such requirement is consistent with federal environmental protection agency guidance and federal permitting requirements in nondelegated states. The legislature therefore intends to require this consistency in the state's NPDES permit program.

Declares an intent to transfer authority for issuing any NPDES permits required for application of aquatic pesticides from the department of ecology to the department of agriculture, subject to federal approval, and provide for permit program operations until federal approval of transfer of this authority is obtained.

Provides that, by December 31, 2004, the department of ecology and the department of agriculture shall jointly submit to the legislature a progress report regarding the transfer of the aquatic pesticides permit program and the federal approval and include in that report recommendations for any statutory or regulatory changes necessary to facilitate the transfer.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to Agriculture & Natural Resources.

HB 3183 by Representatives Conway, Delvin, G. Simpson, Cooper, Roach, Campbell and

Morrell

Negotiating state patrol officer wages and wage-related matters.

Declares that, for the purposes of negotiating: (1) Wages and wage-related matters, the state shall be represented by the governor or the governor's designee who is appointed under chapter 41.80 RCW; and

(2) Nonwage related matters, the state shall be represented by the Washington state patrol.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to Commerce & Labor

by Representatives Clibborn, G. Simpson, Ormsby, Santos, Upthegrove, Darneille, Morrell, Hudgins and Conway

Providing for a study and recommendations on health insurance coverage for children.

Declares an intent to provide access to health insurance coverage for all children in the state of Washington by 2008, by building upon and strengthening the successes of employer-sponsored health insurance coverage and publicly supported children's health insurance programs.

Requires the administrator of the health care authority to conduct a study and prepare recommendations to the legislature to achieve the goal of providing access to health insurance coverage for all children in the state of Washington by 2008. The report and recommendations must be submitted to the governor and appropriate committees of the legislature by December 1, 2004.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to Appropriations.

Senate Bills

SB 5232 by Senator Morton

Authorizing multiyear excess property tax levies for cemetery districts.

(AS OF SENATE 2ND READING 2/03/04)

Declares that the limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by a cemetery district, when authorized to do so by the voters of a cemetery district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state.

Provides that this act takes effect January 1, 2005, if the proposed amendment to Article VII, section 2 of the state Constitution authorizing multiyear excess property tax levies for cemetery districts is validly submitted to and approved by the voters at the next general election. If the proposed amendment is not approved, this act is void in its entirety.

-- 2003 REGULAR SESSION --

- Jan 20 First reading, referred to Government Operations & Elections.
- Jan 30 GO Majority; do pass.
 - Passed to Rules Committee for second reading.
- Feb 12 Made eligible to be placed on second reading.
- Feb 21 Placed on second reading by Rules Committee.
- Mar 7 Rules suspended. Placed on Third Reading.
 - Third reading, passed: yeas, 49; nays, 0; absent, 0.

- IN THE HOUSE -

- Mar 10 First reading, referred to Finance.
- Apr 27 By resolution, returned to Senate Rules Committee for third reading.

-- 2003 1ST SPECIAL SESSION --

- IN THE SENATE -

Jun 4 By resolution, reintroduced and retained in present status.

-- 2003 2ND SPECIAL SESSION --

Jun 11 By resolution, reintroduced and retained in present status.

-- 2004 REGULAR SESSION --

- Jan 12 By resolution, reintroduced and retained in present status.
- Feb 2 Placed on third reading by Rules Committee.
- Feb 3 Rules suspended.

Returned to second reading for amendment. Floor amendment(s) adopted.

Rules suspended. Placed on Third Reading.

Third reading, passed: yeas, 47; nays, 0; absent, 2.

- IN THE HOUSE -

Feb 4 First reading, referred to Finance.

SB 5553-S by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Mulliken, Oke, T. Sheldon and Stevens)

Creating a procedure for landlords to immediately evict tenants involved in criminal activity.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares an intent to protect property owners, agents, and neighbors from further mental anguish, threats, physical harm, and financial loss by providing for the immediate eviction of persons committing criminal actions or unlawful civil disruptions based upon the findings of fact and the legal conclusions of a court of law.

Provides that a landlord or neighbor petitioner, with supporting evidence and documentation, may request a court having jurisdiction to authorize the immediate eviction of a tenant, if the tenant has: (1) Misbranded drugs by misleading representation under RCW 69.04.530;

- (2) Possessed, manufactured, or delivered drugs in violation of the uniform controlled substances act, chapter 69.50 RCW;
- (3) Committed a violation involving methamphetamine under RCW 69.50.401 or 69.50.440;
- (4) Committed arson, reckless burning, and/or malicious mischief under chapter 9A.48 RCW;
- (5) Committed acts of domestic violence as defined in RCW 26.50.010;
- (6) Committed malicious placement of an explosive, malicious explosion of a substance, and/or threatened to bomb or injure property under RCW 70.74.270, 70.74.272, 70.74.275, 70.74.280, or 9.61.160;
- (7) Committed a public disturbance under RCW 9A.84.010 or 9A.84.020;
 - (8) Committed assault under chapter 9A.36 RCW;
- (9) Committed homicide as defined under RCW 9A.32.010; or
- (10) Committed a felony sexual offense as defined under chapter 9A.44 RCW.

-- 2004 REGULAR SESSION --

Feb 4 FSIH - Majority; 1st substitute bill be substituted, do pass.

And refer to Ways & Means.

Referred to Ways & Means.

SB 5793-S2 by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Winsley and Prentice)

Changing on a temporary basis the minimum nonforfeiture amounts applicable to certain contracts of life insurance and annuities.

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Changes on a temporary basis the minimum nonforfeiture amounts applicable to certain contracts of life insurance and annuities.

-- 2004 REGULAR SESSION --

Feb 4 FSIH - Majority; 2nd substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 6196-S by Senate Committee on Land Use & Planning (originally sponsored by Senators Benton, T. Sheldon and Mulliken)

Allowing single-family residential development outside urban growth areas in areas where housing is not affordable for first-time buyers.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that growth management regulations contribute to the high cost of housing in many Washington counties, and that loosening land use regulations will reduce housing prices.

Finds that numerous studies have determined that growth management restrictions increase the cost of housing.

Declares an intent to make housing more affordable for first-time home buyers in counties where housing is currently not affordable for first-time home buyers by allowing single-family detached residential development to be placed outside of urban growth boundaries at density levels currently prohibited under the prevailing

interpretation of the growth management act.

Provides that these single-family detached homes could be placed outside of urban growth boundaries in counties where the first-time buyer housing affordability index demonstrates that housing is not affordable for first-time home buyers.

-- 2004 REGULAR SESSION --

Feb 3 LU - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Feb 4 Passed to Rules Committee for second reading.

SB 6245-S by Senate Committee on Education (originally sponsored by Senators Zarelli, Regala, Winsley and Rasmussen)

Relating to residency teacher certification partnership programs.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, to the extent funds are appropriated for this specific purpose, funds provided under this partnership grant program shall be used solely for school districts, or consortia of school districts, to partner with state-approved higher education teacher preparation programs to provide one or more of four alternative route programs in RCW 28A.660.040, with routes one, two, and three aimed at recruiting candidates to teaching in subject matter shortage areas and areas with shortages due to geographic location.

Provides that partnership grant programs seeking funds to operate route four programs shall enroll individuals with baccalaureate degrees, who are employed in the district at the time of application, or who hold conditional teaching certificates or emergency substitute certificates. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship. In addition, partnership programs shall uphold entry requirements for candidates that include: (1) Five years' experience in the work force;

- (2) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;
- (3) Successful completion of the content test, once the state content test is available;
- (4) External validation of qualifications, including demonstrated successful experience with students or children, such as reference letters and letters of support from previous employers;
- (5) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and
- (6) Successful passage of statewide basic skills exams, when available.

-- 2004 REGULAR SESSION --

Feb 4 EDU - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 6264-S by Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Swecker, Doumit, Oke, Mulliken, Horn, Jacobsen, Rasmussen and Murray)

Allowing for the issuance of general permits for certain projects in state waters and on shorelines of the state.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that the department may adopt general permits for activities if the department determines that the activities are similar in nature, will cause only minimal adverse impacts on fish life when performed separately, and will have only a minimal cumulative impact on fish life.

Declares that a "general permit," as it is used in this act, means a hydraulic project approval that covers multiple projects within a defined geographic area, in lieu of a standard permit being issued to each applicant under RCW 77.55.100 or 77.55.110.

Requires the general permit to include the following: (1) A precise description of the activities covered by the permit;

- (2) The conditions to protect fish life;
- (3) The time, manner, locations, and methods an applicant must follow to receive coverage under the permit;

(4) The geographic scope of the permit;

- (5) The method to obtain coverage under the general permit, which may include an abbreviated application process; and
- (6) Any requirements for reporting at project completion.

-- 2004 REGULAR SESSION --

Feb 3 PFW - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 6282-S by Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Doumit, Oke, Berkey, Stevens and Rasmussen)

Concerning personal use shellfish licenses.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Amends RCW 77.32.520 relating to personal use shellfish licenses.

Provides that the fee for an annual razor clam license is five dollars and fifty cents for residents and eleven dollars for nonresidents.

Provides that the fee for a three-day razor clam license is three dollars and fifty cents for both residents and nonresidents.

Declares that the director may not require the purchaser of a razor clam license under RCW 77.32.520 to provide any personal information except for proof of residency.

-- 2004 REGULAR SESSION --

Feb 3 PFW - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 6285-S by Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Oke, Doumit, Roach, Swecker, Stevens, Morton, Winsley, T. Sheldon, Sheahan, Jacobsen, Rasmussen, Haugen, Hargrove, Berkey, Hale, Honeyford, Mulliken and Parlette)

Providing for a regulated trapping program in the state.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that it is in the interest of all of the citizens of Washington to ensure that all trapping is done in accordance with sound scientific wildlife management principles using humane methods as set forth in this act.

Declares an intent that the state trapping program be administered using sound science by the department of fish and wildlife, and that the primary emphasis of this program addresses animal problems as defined in RCW 77.08.010.

Finds that the current furbearer management program, utilizing only nonlethal trapping techniques, is an effective method of regulating predator and aquatic mammal species. It is the intent of the legislature to continue the current furbearer management program.

Finds that humane, regulated trapping practices used to control animals contribute positively to the well-being of the state of Washington, to public health and welfare by assisting to control the spread of animal-borne disease, and to the protection of private and public property from damage resulting from uncontrolled animal populations.

Finds that the sale, trade, or barter of wild animal pelts is consistent with the legislature's intent not to waste a valuable wildlife resource.

Declares that it is the policy of the state of Washington to minimize the use of indiscriminate or painful traps and to use all traps humanely. When lethal trapping methods are used, such methods must be used in the most humane way that accomplishes the goal of reducing animal problems. All persons trapping wild animals and wild birds in the state shall use all practicable means necessary to avoid the capture of a nontargeted animal.

Declares that it is unlawful to trap wild animals or wild birds, other than nuisance wildlife species, using bodygripping traps except by nuisance wildlife control operators and trappers licensed by the department under RCW 77.65.450 when operating under a trapping permit issued by the department, by persons operating under a scientific collector permit, by persons operating under a falconry permit, or by landowners and their agents under the provisions of RCW 77.36.030.

Directs the commission to adopt appropriate rules regarding the types of traps and bait for use in capturing wild animals and wild birds to ensure the humane treatment of captured animals. In adopting these rules, the commission may take into consideration the effectiveness of various trap sizes, approved best management practices, and the habitats in which the traps may be used.

Declares that these rules may not allow for the use of traps with teeth or serrated edges or a neck or body snare attached to a spring pole or any spring pole type device.

-- 2004 REGULAR SESSION --

SB 6332-S

Feb 3 PFW - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

by Senate Committee on Higher Education (originally sponsored by Senators Schmidt,

Kohl-Welles, Carlson, Shin, Winsley and Berkey; by request of Governor Locke)

Providing for performance contracts with institutions of higher education on a pilot basis.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares an intent to explore a new relationship between the state and public institutions of higher education that includes dialog and negotiation over goals, priorities, performance, and resources, and also includes explicit commitments made by each party aimed at achieving agreed-upon outcomes. The mechanism to implement this relationship is a performance contract, to be initiated on a pilot basis with selected institutions beginning in 2004.

Requires the governor's office with assistance from the higher education coordinating board to enter into negotiations with the governing boards of one state research university and one state regional university, as defined in RCW 28B.10.016, to create a performance contract on a pilot basis with each institution.

Requires the governor's office with assistance from the higher education coordinating board to enter into negotiations with the state board for community and technical colleges to create performance contracts on a pilot bases with two state community and technical colleges, as defined in RCW 28B.10.016.

Requires the governor to submit the completed performance contracts to the legislature by December 1, 2004. Following public hearings, the legislature shall have the opportunity, by concurrent resolution, to approve or reject each performance contract as a whole.

Provides that, beginning September 2005, the higher education coordinating board shall provide semi-annual progress reports to the higher education committees of the senate and house of representatives on implementation of the performance contracts and any short-term outcomes.

Directs the Washington state institute for public policy to conduct an evaluation of the pilot performance contracts and make recommendations regarding change, continuation, or expansion of the contract process to include additional colleges and universities. The evaluation shall be submitted to the governor and higher education committees of the senate and house of representatives by January 15, 2008.

-- 2004 REGULAR SESSION --

Feb 3 HIE - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Referred to Ways & Means.

SB 6342-S by Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Oke, Jacobsen, Parlette, Swecker, Finkbeiner, Winsley, Spanel, Berkey, Esser, Regala, Kline, T. Sheldon, Fraser, Doumit, Rasmussen, Haugen and Eide)

Recognizing important bird areas.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that it is the goal of the legislature to promote: Partnerships with volunteers; rural economic development; nature tourism; and conservation of biodiversity by encouraging partnerships between state government agencies, volunteers, and nonprofit organizations to designate and conserve natural assets that

attract nature tourists and bird watchers to Washington's rural areas.

Recognizes the scientific work by Audubon Washington to use internationally recognized scientific criteria and protocols to identify, conserve, and monitor areas of the state that are important for migrating and resident birds. Scientists, ornithologists, and qualified volunteers have identified important bird areas. Audubon Washington is working with other wildlife conservation organizations and their volunteers to develop mutually agreed-upon bird conservation plans and monitoring plans in cooperation with public land managers and private landowners.

Declares an intent to have Washington state participate in the recognition portion of the important bird area program by directing the natural heritage program at the department of natural resources to officially recognize important bird areas.

-- 2004 REGULAR SESSION --

Feb 3 PFW - Majority; 1st substitute bill be substituted, do pass.

Passed to Rules Committee for second reading.

SB 6367-S by Senate Committee on Land Use & Planning (originally sponsored by Senators Haugen, Spanel and Winsley)

Protecting the integrity of national historical reserves in the urban growth area planning process.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that, in the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the preserve.

-- 2004 REGULAR SESSION --

Feb 3 LU - Majority; 1st substitute bill be substituted, do pass.

Feb 4 Passed to Rules Committee for second reading.

SB 6402-S by Senate Committee on Financial Services, Insurance & Housing (originally sponsored by Senators Benton, Rasmussen, Winsley, Keiser and Kohl-Welles)

Providing the option of keeping landlord trust account funds in a credit union. Revised for 1st Substitute: Giving landlords the flexibility to deposit landlord trust account funds in any financial institution.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides landlords the flexibility to deposit landlord trust account funds in any financial institution.

-- 2004 REGULAR SESSION --

Feb 3 FSIH - Majority; 1st substitute bill be substituted, do pass.

Feb 4 Passed to Rules Committee for second reading.

SB 6413-S by Senate Committee on Land Use & Planning (originally sponsored by Senators Mulliken, T. Sheldon, Swecker, Rasmussen, Esser, Hargrove, Murray and Stevens)

Modifying impact fee provisions.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Provides that impact fees for residential construction shall only be collected by the county, city, or town imposing the impact fee either: (1) At the time of final inspection of the residence; or

(2) At the time the certificate of occupancy is issued.

-- 2004 REGULAR SESSION --

Feb 3 LU - Majority; 1st substitute bill be substituted, do pass.

Minority; do not pass.

Feb 4 Passed to Rules Committee for second reading.

SB 6557-S by Senate Committee on Technology & Communications (originally sponsored by Senators Schmidt, Eide and Esser)

Creating reporting exemption for competitive local exchange companies.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Amends RCW 80.04.530 relating to certain data reporting requirements by competitively classified local exchange companies.

Expires July 1, 2005.

-- 2004 REGULAR SESSION --

Feb 3 TC - Majority; 1st substitute bill be substituted, do pass.

Feb 4 Passed to Rules Committee for second reading.

SB 6656-S by Senate Committee on Technology & Communications (originally sponsored by Senators Schmidt and Esser; by request of Utilities & Transportation Commission and Department of Social and Health Services)

Revising the Washington telephone assistance program.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Finds that recent changes in the telecommunications industry, including increased competition among companies and services, the increased migration of telephone customers to wireless services, and the development of new technologies such as voice-over-internet, have raised concerns about the long-term funding of the Washington telephone assistance program and its continued ability to provide assistance to low-income persons who may not be able to afford needed telephone services.

Directs the department of social and health services to convene a working group consisting of representatives of telecommunications providers, the office of financial management, the utilities and transportation commission, the office of public counsel, designees of the chair of the senate technology and communications committee and the house technology, telecommunications and energy committee, and

community action agencies to review the current Washington telephone assistance program structure and the viability of its long-term funding.

Requires the department to report its findings and recommendations to the legislature by December 1, 2004.

-- 2004 REGULAR SESSION --

Feb 3 TC - Majority; 1st substitute bill be substituted, do pass.

Feb 4 Passed to Rules Committee for second reading.

SB 6715 by Senators Hewitt, McCaslin and Deccio

Dissolving or deactivating joint housing authorities.

Provides that the ordinances enacted by the legislative authorities creating the joint housing authority shall prescribe the procedure for dissolution or deactivation of a joint housing authority and any other matters necessary to effectuate the dissolution or deactivation of a joint housing authority, including distribution of the assets, liabilities, and obligations of a joint housing authority to the original activating governing bodies for the limited purposes of winding up the affairs of a deactivated joint housing authority or transferring assets, obligations, or liabilities to the housing authority of a city, town, or county.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to Financial Services, Insurance & Housing.

SB 6716 by Senators Murray, Kline and McAuliffe

Promoting qualified alternative energy resources.

Finds that: (1) In 2001, the legislature recognized the importance of advancing the development of a market for qualified alternative energy resources by requiring as a matter of law that all electric utilities in the state, except small utilities, offer a green rate option, which entails the offering of a voluntary option for retail electric customers to purchase qualified alternative energy resources through their local utility;

- (2) Green rate options have generally been successful, even though they have been offered less than three years. However, two factors may be hindering the progress of these programs. One is that renewable resources have cost more than basic electric utility rates, making the options less economically attractive to customers. The second factor is a requirement that all costs associated with a green rate option must be borne by those customers who subscribe to it;
- (3) Because all costs involved with providing a green rate option must be allocated to its subscribers, marketing costs can compound an option's comparatively high cost and may diminish customer interest in it; and
- (4) The high cost of green rate options relative to basic electric utility rates may be a particular economic deterrent to low-income residential customers.

Declares: (1) It is in the public interest that electric utilities that offer a green rate option should be allowed a tax incentive to more aggressively market their programs with little or no additional expense to subscribers to the green rate option; and

(2) Low-income residential customers should be given an opportunity to benefit from subscribing to a green rate option and contribute to the betterment of the state's environment through a billing discount for a green rate option that is supported by a tax incentive. Any billing

discount that is not supported by a tax incentive would merely add to the cost of a green rate option to other customers and thus reduce its economic attractiveness overall.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to Natural Resources, Energy & Water.

SB 6717 by Senators Jacobsen, Swecker, Shin, Kline, Brown, Kohl-Welles, Spanel and T. Sheldon

Requiring use of voter-verified paper ballots.

Requires all voting systems in Washington state to produce a voter-verified paper ballot, to be read and verified by the voter at time of voting, without the use of an interface, except as may be needed for certain disabled individuals, and placed in a ballot box either by the voter or voting machine, to be used as the official ballot in recounts and election audits.

Requires each county in the state to conduct mandatory random manual audits of the voter-verified paper ballots, of five percent of all precincts in all counties, of all races, of all votes cast on all ballots for that precinct, at the polling place. The audits must be random, chosen by lottery immediately after the polls close.

Declares that a manual audit of the voter-verified paper ballots is automatically required for anomalous results. The required audits are not part of the random five-percent audit requirement. Anomalous results are any of the following: (1) Insufficient randomness;

- (2) Discrepant trends in analysis of results in each precinct;
 - (3) Results reported very late;
 - (4) Excess overvotes or undervotes;
- (5) Vote totals that do not match the number registered as having voted;
- (6) Problems with vote counting or vote tabulating systems;
- (7) Discrepancies in vote totals reported from the polling place to a central counting system, or from a central counting system to the state counting system;
- (8) Excessive discrepancy between the electronic vote count totals and the voter-verified paper ballot totals, regardless of whether the discrepancy would overturn the election.

Requires a report of the polling place tally of votes to be posted at the polling place before transmission of vote totals to the county or central counting, and before ballots are transported to a central counting location. All polling place totals must be reconciled with the totals received at the central counting location. Each counting location must reconcile totals with county or state counting records.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to Government Operations & Elections.

SB 6718 by Senators Poulsen and Zarelli

Clarifying remedies for local governments for hazardous waste cleanup financial assistance.

Declares that state funding provided to local governments for remedial action is limited to appropriations from the local toxics control account and any other appropriation from the legislature. It is not the intent of the legislature to provide state funding to local governments for remedial action through litigation under RCW 70.105D.080.

Declares that RCW 70.105D.080 shall not apply, retrospectively or prospectively, in cases brought by or on behalf of local governments against the state of Washington or against a Washington state agency. State funding provided to local governments for remedial action is limited to those appropriations and grants provided by the legislature under RCW 70.105D.070 or through other appropriations.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to Ways & Means.

SB 6719 by Senators Mulliken and Benton

Modifying the oath of office to include support for the principles of the Declaration of Independence.

Revises the oath of office to include support for the principles of the Declaration of Independence.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to Government Operations & Elections.

SB 6720 by Senators Honeyford, Mulliken, Rasmussen, Sheahan, Parlette, Morton and

Swecker

Providing a property tax exemption for certain land zoned or designated for agricultural use.

Provides that, if the water right for the use of water for agricultural purposes on real property that is zoned or designated for agricultural use by a local government is found to be relinquished under chapter 90.14, 90.03, or 90.44 RCW, or is judicially found to be abandoned, the real property is exempt from taxation as long as it is zoned or designated for agricultural use by a local government.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to Natural Resources, Energy & Water.

SB 6721 by Senators Regala, Stevens, Hargrove and Benton

Resolving conflicting amendments and effective dates to RCW 71.05.390, which concerns disclosure of confidential information and records.

Resolves conflicting amendments and effective dates to RCW 71.05.390, which concerns disclosure of confidential information and records.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to Children & Family Services & Corrections.

Senate Joint Memorials

SJM 8037-S by Senate Committee on Technology & Communications (originally sponsored by Senators Benton, Roach, Swecker and Esser)

Requesting that the congressional delegation of the state of Washington work to pass a permanent ban on Internet access taxes.

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requests that the Senators and members of the United States House of Representatives from our state pass a permanent and technologically neutral extension of the Internet tax moratorium.

-- 2004 REGULAR SESSION --

Feb 3 TC - Majority; 1st substitute bill be substituted, do pass.

Feb 4 Passed to Rules Committee for second reading.

SJM 8053 by Senators Thibaudeau, Kohl-Welles, Kline, McAuliffe and Spanel

Requesting changes to the Patriot Act.

Requests that the United States Congress work to modify the Patriot Act to the extent that it infringes on civil rights and liberties, ensure that provisions of the Patriot Act "sunset" in accordance with the provisions of the Act, and work to prevent the passage of new legislation that infringes on privacy, due process, civil rights, and liberties, and may alter the checks and balances in government.

-- 2004 REGULAR SESSION --

Feb 4 First reading, referred to Judiciary.

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